

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

IN RE:	§	
	§	
HOUGHTON & COLLEEN NAUMANN,	§	CASE NO. 18-10389-HCM-13
DEBTORS.	§	

**MOTION OF CREDIT ACCEPTANCE CORPORATION  
FOR RELIEF FROM AUTOMATIC STAY**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.**

**IF NO TIMELY RESPONSE IS FILED WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

**COMES NOW**, Credit Acceptance Corporation ("Credit Acceptance"), complaining of Houghton & Colleen Naumann ("Debtors") and Deborah Langehennig ("Trustee"), and for cause of action would respectfully show the Court as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 157 and 11 U.S.C. § 362. This is a core proceeding.
2. Debtors filed a petition pursuant to Chapter 13 of Title 11. An Order for Relief was subsequently entered.
3. Credit Acceptance is a secured creditor of the above-referenced Debtors by virtue of a security interest in a 2007 Cadillac Escalade, Vehicle Identification Number 1GYFK66827R355532 ("Collateral"). Said debt and security interest are evidenced by a Retail Installment Contract and Certificate of Title.
4. Debtors received a discharge in their prior Chapter 7 and did not reaffirm the debt. Credit Acceptance repossessed the Collateral pre-petition and has possession of the Collateral.
5. As of April 6, 2018, Credit Acceptance was owed the net balance amount of \$18,633.32 with regard to the vehicle. The monthly payments to Credit Acceptance are \$550.93 and, as of April 6, 2018, the account was due for the September 9, 2017 payment and all payments due since that time. The total arrears as of April 6, 2018 were \$4,127.14.
6. But for the automatic stay, Credit Acceptance could and would foreclose its lien on the Collateral in which it holds a security interest.

7. Credit Acceptance does not have and Debtors are not able to offer adequate protection of Credit Acceptance's interest in the Collateral securing Credit Acceptance's debt.

8. Debtors have no equity in the Collateral and such property is not necessary to an effective reorganization. Per the NADA Blue Book, the retail value is \$16,925.00 and the clean trade-in value is \$13,975.00.

9. Cause exists to terminate the automatic stay because of Debtors' failure to comply with the requirements of Chapter 13.

10. Further cause may exist to terminate the automatic stay if the vehicle is not properly insured. Credit Acceptance hereby demands proof of full coverage insurance, listing Credit Acceptance as loss-payee.

**WHEREFORE, PREMISES CONSIDERED,** Credit Acceptance Corporation prays for:

1. An Order of this Court granting Credit Acceptance relief from the automatic stay imposed pursuant to 11 U.S.C. § 362;

2. An Order of this Court authorizing Credit Acceptance to take immediate possession of the Collateral which is the subject of this Motion and foreclose its lien on the Collateral without further notice to the Debtors, the Trustee, or any other party-in-interest and authorizing Credit Acceptance to obtain all writs and other court orders necessary to obtain possession of its Collateral if it is not voluntarily surrendered by Debtors;

3. In the alternative, an Order of this Court requiring Debtors to provide Credit Acceptance with adequate protection of its interest in the Collateral; and

4. For such other and further relief, both general and specific, to which Credit Acceptance may show itself justly entitled.

Respectfully submitted,

/s/ Stephen G. Wilcox

Stephen G. Wilcox

State Bar Number 21454300

WILCOX LAW, PLLC

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**ATTORNEY FOR CREDIT  
ACCEPTANCE CORPORATION**

## **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing Motion for Relief from Automatic Stay was served by **FIRST CLASS MAIL, POSTAGE PREPAID** on:

Elizabeth Hickson  
4833 Spicewood Springs Rd., No. 200  
Austin, TX 78759

Houghton & Colleen Naumann  
4807 Interlachen Lane  
Austin, TX 78747

and by **ELECTRONIC FILING** on:

Deborah Langehennig  
6201 Guadalupe Street  
Austin, TX 78752

on April 10, 2018.

/s/ Stephen G. Wilcox  
Stephen G. Wilcox

## **SUMMARY OF EXHIBITS**

1. Retail Instalment Contract dated November 9, 2015 on a 2007 Cadillac Escalade, Vehicle Identification Number 1GYFK66827R355532.
2. Certificate of Title on a 2007 Cadillac Escalade, Vehicle Identification Number 1GYFK66827R355532.
3. Affidavit of Alicia Ford

\*Copies of Exhibits are available by written request to:

Kim Raudry  
WILCOX LAW, PLLC  
PO BOX 201849  
Arlington, TX 76006

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**ORDER TERMINATING THE AUTOMATIC STAY**

There came on before this Court, the Motion of CREDIT ACCEPTANCE CORPORATION for Relief from Stay ("Motion") filed by Credit Acceptance Corporation ("Credit Acceptance"), complaining of Houghton & Colleen Naumann ("Debtors") and Deborah Langehennig ("Trustee"). Credit Acceptance was represented by and through Stephen G. Wilcox of the firm of Wilcox Law, PLLC. Debtors, although served with a copy of the Motion, failed to respond. The Chapter 13 Trustee, although served with a copy of the Motion, failed to respond.

**IT IS THEREFORE ORDERED** that:

1. The automatic stay is terminated immediately as to the 2007 Cadillac Escalade, Vehicle Identification Number 1GYFK66827R355532.
2. Credit Acceptance may repossess and sell its Collateral without further notice to the Debtors, the Trustee or any other party-in-interest. Credit Acceptance may also obtain all writs and other court orders necessary to obtain possession of its Collateral in the event it is not voluntarily surrendered.

**IT IS SO ORDERED.**

###

**PREPARED BY:**

Stephen G. Wilcox  
WILCOX LAW, PLLC  
P.O. Box 11509  
Fort Worth, Texas 76110-0509

**AFTER ENTRY, PLEASE SEND A CONFORMED COPY TO THE FOLLOWING:**

Stephen G. Wilcox  
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Arlington, TX 76006

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